

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
AT KANSAS CITY

JASON D. ROBERTS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. _____
)	
CASEY'S MARKETING COMPANY,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant Casey's Marketing Company ("Casey's"), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, files this Notice of Removal, and provides the following grounds supporting removal:

1. This matter was originally filed in the Circuit Court of Cass County, Missouri on or about January 21, 2021, and was assigned case number 21CA-CC00017.
2. This Court has original jurisdiction under the provisions of 28 U.S.C. § 1332, as amended, and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441, in that it is a civil action wherein the matter in controversy exceeds the sum or value of Seventy-Five Thousand and No/100 Dollars (\$75,000.00), exclusive of interest and costs, and the actual and valid controversy is between citizens of different states.
3. The cause of action involves a controversy between citizens of different states:

a. Plaintiff Jason D. Roberts is now, and was at the commencement of this action, believed to be a citizen of the State of Kansas.

b. Defendant is now, and was at the commencement of this action, incorporated, a citizen of, and with its principal place of business in the State of Iowa.

4. This Notice of Removal is filed within thirty (30) days after receipt by Defendant of a copy of Plaintiff's Petition, and the time for filing this Notice of Removal under 28 U.S.C. § 1446 has not expired:

a. Plaintiff Jason D. Roberts filed his Petition in state court on January 21, 2021.

b. Plaintiff served the Summons and Petition on Defendant on January 22, 2021, by personal service on Defendant's registered agent.

5. "When a civil action is removed solely under section 1441(a), all defendants who have been properly joined and served must join in or consent to the removal of the action." 28 U.S.C. § 1446(b)(2)(A). There are no other defendants to join in and consent to this removal.

7. A copy of all process, pleadings and orders served on Defendant in the above-captioned matter in the Circuit Court of Cass County, Missouri, are attached hereto as **Exhibit No. 1**.

8. Pursuant to 28 U.S.C. § 1446(a), promptly after filing this Notice of Removal, Defendant is filing a copy of this Notice of Removal with the Circuit Court of Cass County, Missouri and providing notice of same to the Plaintiff.

WHEREFORE, Defendant prays that this Court order this cause removed from the Circuit Court of Cass County, Missouri to the United States District Court for the Western District of Missouri, as provided by law, and thereupon proceed with this civil action as if it had originally been commenced in this Court.

WALLACE SAUNDERS, P.C.

BY: /s/ Schalie A. Johnson
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ATTORNEYS FOR DEFENDANT
CASEY'S MARKETING COMPANY

I hereby certify that the above was signed by an attorney of record in this matter and the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following participants, and I hereby certify that I have mailed a copy of the above and foregoing by first class mail, postage prepaid, to the following participants, and a copy was electronically transmitted to the email address listed below on the 16th day of February, 2021.

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ATTORNEYS FOR PLAINTIFF

/s/ Schalie A. Johnson
For the Firm